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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 4696—Ml. 45-18-3, dated 23rd September 1918.

With reference to paragraph 7 of Government Order No. 3005-55—Ml. 132-16-1, dated the 16th November 1916, and under Section 23 (2) (*c*) of the Mysore Municipal Regulation, as amended by Regulation V of 1918, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules in supersession of those published under Notification No. 411—Ml. 45-18-1, dated 4th July 1918, for the election of the President or Vice-President of a City Municipal Council.

When the Government shall have directed that the President or the Vice-President or both of a City Municipal Council shall be elected, the election shall be subject to the following rules:—

(i) The election shall be subject to the approval of Government.

(ii) The election shall take place at the first meeting of the newly constituted Municipal Council or at a special meeting held on a day not later than two months from the date of the Government Order, if the direction was given during the term of office of the existing Councillors, as the case may be. At least 20 days' and not more than 30 days' notice shall be given of such election by the President or the Vice-President or, in the absence of both, by the Chief Executive Officer of the Municipal Council.

(iii) The election shall not be held unless at least three-fourths of the total number of Councillors are present at the meeting.

(iv) Every candidate for the Office of President or Vice-President shall be nominated by at least two Councillors in the following form which shall be sent to the Chief Executive Officer of the Municipal Council at least fifteen days before the date of the Special meeting at which the President or the Vice-President is to be elected.

Municipality of.....we, the undersigned, nominate .....as a candidate for the Office of $\frac{\text{President}}{\text{Vice-President}}$ at the election to be held on the.....day.....of 19.....

Signed.....

*Date..... Signed.....

(v) The names of the candidates shall be notified at the Municipal Office at least 10 days before the day fixed for holding the election.

(vi) Voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors present at the meeting; provided that no candidates shall be declared elected unless he secures at least two-thirds of the total number of votes of the Councillors present at the meeting.

(vii) The election shall be conducted in the following manner:—

(*a*) Every Councillor wishing to vote shall, at the meeting, write on a slip of paper the name of the candidate he wishes to be elected to the office of President or Vice-President and place the same in a box so constructed that papers may be placed therein but not extracted without the box being opened. The presiding authority shall then open the box and count the votes in the presence of the Council. The candidate having the largest number of votes, or, if only one candidate has been nominated, such candidate shall be considered to have been elected to the office subject to the condition laid down in Rule (vi) above.

(*b*) If no candidate has secured the absolute majority of votes required by Rule (vi), the ballot shall be repeated.

(*c*) At each successive ballot, the candidate who obtained the fewest votes at the presiding ballot shall be eliminated and he shall then be eligible to vote. If two or more candidates lowest on the list have obtained equal number of votes, a separate ballot shall be taken in order to decide which of them should be eliminated. The elimination shall, if no candidate secure an absolute majority of votes, be made until two candidates only are left, and if even the last ballot fails to produce the required majority of votes in favour of any one candidate, the meeting shall be closed.

(*d*) No candidate nominated for the office shall take part in the ballot, but a candidate may withdraw his candidature at any stage with or without the consent of his nominator, after which he shall be competent to take part in the ballot.

(viii) Immediately after the meeting, the proceedings shall be submitted to Governmant for orders with the names of all the Councillors who attended the meeting.

(ix) The validity of any election may be contested by a petition signed by at least three Councillors and not otherwise, provided that such petition shall reach the Secretary to Government in the Revenue Department within seven days from the date of the election and allege specific ground for setting aside the election on account of material irregularity in the conduct thereof.

(x) Upon receipt of such petition, the Government may cause enquiry to be made by a Board consisting of—

(1) the Deputy Commissioner of the District,

(2) another Officer appointed by Government, and

(3) a non-official Councillor deputed by the Municipal Council, into the validity of such objection or objections. The Board shall thereupon report the result of the enquiry to Government who may pass such orders as they may think fit.

(xi) In the event of no election being made within the prescribed period or in the event of an election held not being approved by Government, Government may appoint the President, or Vice-President, as the case may be, or may order a fresh election.

(xii) These rules shall apply *mutatis mutandis* to the election of a President or a Vice-President in filling up vacancies, arising under Sub-section (7) of Section 23, Municipal Regulation. Such vacancy shall be filled up within 2 months from its occurrence.

By Order,

B. RAMASWAMAIYA,

Secretary to Government,

Revenue Department.